UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,311	02/24/2004	John L. Tomich	108513.00015	9672

7590 07/10/2008

Raffi J. Gostanian, Jr.
Jackson Walker L.L.P.
Suite 600
2435 North Central Expressway
Richardson, TX 75080

EXAMINER	
JONES, PRENELL P	
ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/785,311	TOMICH ET AL.	
	Examiner	Art Unit	
	PRENELL P. JONES	2619	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-7 and 10-16* is/are rejected.

7)☒ Claim(s) *2,3,8 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4-6 and 10-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant is claiming in claims 4, 10 and 11, "incorporator circuit comprises Field Programmable Gate Array," which is not described in the specification. In addition, Applicant is claiming in claim 5, "distributor circuit comprises a Field Programmable Gate Array," which is not described in the specification. Claims 6 and 12 depend on claims 5 and 11 respectively, so claims 5 and 11 are rejected as well.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scherier et al (US PGPUB 20020044600) in view of Gupta et al (US Pat 5,673,265).

Regarding claims 1, Scherier et al (US PGPUB 20020044600) discloses a distributed multimedia decoding system wherein the decoder consist of multiple filters, wherein the decoding/encoding techniques can be implemented in a virtual environment (paragraph 0066, 0077, 0080, 0454, 0438 a decoding/encoding system accommodating packet, video and voice). In addition, DSP that includes decoder also contain software algorithm/code (relational code) for processing and communicating among network users (paragraph 0428, 0435, 0437, 0454), and LAN and local networks are and accommodated.

Although Scherier fail to disclose relational code determine whether an address field of a packet is intended for local distribution, Gupta et al (US Pat 5,673,265) discloses a multimedia network (Abstract) wherein the architecture includes decoders, local distributed broadcast and distributors/CUI (col. 2, line 25-60, col. 9, line 35-60), relational algorithms/code (col. 33, line 53-67), and data and address fields, wherein the address fields indicate its location, thereby providing information on whether its' location is in the local distribution (LAN) (col. 36, line 35-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement relational code determine whether an address field of a packet is intended for local distribution, as taught by Gupta with the teachings of Scherier's distribution system for the purpose of managing services in a multimedia distribution system.

4. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherier et al (US PGPUB 20020044600) in view of Gupta et al (US Pat 5,673,265) as applied to claim 1 above, and further in view of Joseph et al (5,819,034).

Regarding claim 13, as indicated above, Scherier et al (US PGPUB 20020044600) discloses a distributed multimedia decoding system wherein the decoder consist of multiple filters, wherein the decoding/encoding (multiplexing/demultiplexing; serializer/deserializer) techniques can be implemented in a virtual environment (paragraph 0066, 0077, 0080, 0454, 0438 a decoding/encoding system accommodating packet, video and voice). In addition, DSP that includes decoder also contain software algorithm/code (relational code) for processing and communicating among network users (paragraph 0428, 0435, 0437, 0454), and LAN and local networks are and accommodated, and Gupta et al (US Pat 5,673,265) discloses a multimedia network (Abstract) wherein the architecture includes decoders, local distributed broadcast and distributors/CUI (col. 2, line 25-60, col. 9, line 35-60), relational algorithms/code (col. 33, line 53-67), and data and address fields, wherein the address fields indicate its location, thereby providing information on whether its' location is in the local distribution (LAN) (col. 36, line 35-67).

Although Scherier and Gupta fail to teach returning the data packet to the data stream if the data packet is not intended for local distribution, Joseph discloses, a multimedia system wherein the data stream is monitored for required modules (various multimedia data packets) or selected data packets (col. 5, line 29-59,

Regarding claim 14, as indicated above, combined Scherier, Gupta and Joseph disclose multimedia communication wherein the architecture includes monitoring data packet associated with streams of data.

Although Scherier and Gupta fail to teach incorporating a data packet from a local data port into the data stream for transmission, Examiner takes official notice that it is well known in the art to associate data packets for transmission from local data ports as demonstrated by Joseph, who further discloses the local client computer including I/O ports utilized by user for communication transmission (col. line 49-65).

Therefore, it would have been obvious for one of ordinary skilled in the art to be motivated to implement incorporating a data packet from a local data port into the data stream for transmission as taught by Joseph with the combined teachings of Scherier and Gupta for the purpose of completing data transmission.

Regarding claim 15, as indicated above, Scherier, Gupta and Joseph disclose multimedia communication wherein the architecture includes monitoring data packet associated with streams of data.

Although Scherier and Joseph fail to teach repeating a process, Gupta utilize the round-robin technique (Gupta; col. 20, line 43-49).

Therefore, it would have been obvious for one of ordinary skilled in the art to be motivated to implement incorporating a data packet from a local data port into the data

stream for transmission as taught by Gupta with the combined teachings of Scherier and Joseph for the purpose of completing data transmission.

Regarding claim 16, as indicated above, Scherier, Gupta and Joseph disclose multimedia communication wherein the architecture includes monitoring data packet associated with streams of data. Scherier, Gupta and Joseph further disclose identifying broadcast packets (Scherier; paragraph 0048, 0423, 0424, 0453, Gupta; col. 5, line, 18-35-67, col. 12, line 60 thru col. 13, line 50).

5. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scherier et al (US PGPUB 20020044600) in view of Gupta et al (US Pat 5,673,265) as applied to claim 1 above, and further in view of Soumiya et al (US Pat 5,940,375).

Regarding claim 7, as indicated above, Scherier et al (US PGPUB 20020044600) discloses a distributed multimedia decoding system wherein the decoder consist of multiple filters, wherein the decoding/encoding (multiplexing/demultiplexing; serializer/deserializer) techniques can be implemented in a virtual environment (paragraph 0066, 0077, 0080, 0454, 0438 a decoding/encoding system accommodating packet, video and voice). In addition, DSP that includes decoder also contain software algorithm/code (relational code) for processing and communicating among network users (paragraph 0428, 0435, 0437, 0454), and LAN and local networks are and accommodated, and Gupta et al (US Pat 5,673,265) discloses a multimedia network (Abstract) wherein the architecture includes decoders, local distributed broadcast and distributors/CUI (col. 2, line 25-60, col. 9, line 35-60), relational algorithms/code (col. 33, line 53-67), and data and address fields, wherein the address fields indicate its location,

thereby providing information on whether its' location is in the local distribution (LAN) (col. 36, line 35-67).

Scherier further discloses utilizing virtual channel filter and communicating parallel and serial data via receiver, and wherein data goes through a conversion process (0147, 0151, 0147, 0241, 0428). However, Scherier is silent on having a virtual channel filter to filter/buffer to filter an address field to route packet to a data port.

In a scheduling apparatus for use in a cell exchange/distribution environment, Soumiya discloses virtual channel filter associated with queues for providing address buffering (col. 17, line 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a virtual channel filter to filter/buffer to filter an address field to route packet to a data port as taught by Soumiya with the combined teachings of Scherier and Gupta for the purpose of minimizing latency.

Allowable Subject Matter

6. Claims 2-4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to teach or suggest fairly with respect to claim 8, incorporator adapted to insert and address value having a relational code and a virtual channel code, with respect to claim 2-3, .incorporator circuit electrically-coupled to a data port adapted to insert an address value having relational code and virtual channel code in a data input at least one data port said incorporator adapted to insert said data input into said data stream.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wing F Chan/
Supervisory Patent Examiner, Art Unit 2619
3/31/08

Prenell P. Jones

March 24, 2008